

**Report to the Secretary of Energy
on the
U.S. Department of Energy's
Small Business Programs
Fiscal Year 2005**



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Office of Small & Disadvantaged Business Utilization**

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**DEPARTMENT OF ENERGY
ANNUAL REPORT TO THE SECRETARY
SMALL BUSINESS PROGRAMS
FISCAL YEAR (FY) 2005**

Table of Contents

I.	DEPARTMENT OF ENERGY MISSION	Page 4
II.	INTRODUCTION	Page 4
III.	LAWS AND REGULATIONS	Page 4
IV.	OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION (OSDBU)	Page 4
V.	DOE BUSINESS MODEL	Page 5
VI.	SMALL BUSINESS GOALS <i>Statutory Goals</i> <i>DOE Negotiated Goals</i>	Page 5
VII.	SMALL BUSINESS ACHIEVEMENTS <i>Prime Contract</i> <i>Subcontract</i>	Page 6
VIII.	SOCIOECONOMIC SMALL BUSINESS ACHIEVEMENTS <i>8(a) and Small and Disadvantaged Business</i> <i>Women-Owned Small Business</i> <i>HUBZoneBusiness</i> <i>Service Disabled Veteran-Owned Business</i>	Page 7
IX.	FY 2005 OBJECTIVES <i>Small Business Goals</i> <i>Procurement Forecast</i> <i>Acquisition Reviews</i> <i>Outreach and Technical Assistance</i> <i>Awareness Training</i> <i>M&O Studies</i> <i>M&O Reviews</i> <i>Mentor Protégé Program</i> <i>Small Business Policy</i>	Page 8

X.	SMALL BUSINESS INITIATIVES	Page 11
	<i>Contract Bundling</i>	
	<i>Memorandum of Understanding with Small Business Administration</i>	
	<i>Business Matchmaking</i>	
	<i>OSDBU Tracking System</i>	
	<i>Bank Deposit Financial Assistance Program</i>	
XI.	SMALL BUSINESS RESEARCH & TECHNOLOGY PROGRAMS	Page 14
	<i>Small Business Innovation Research Program (SBIR)</i>	
	<i>Small Business Technology Transfer Program (STTR)</i>	
	<i>Inventions and Innovation Program</i>	
XII.	TOTAL IMPACT OF SMALL BUSINESS PROGRAMS & ACHIEVEMENTS	Page 15
XIII.	SUCCESS STORIES	Page 15
	<i>Navarro Research and Engineering, Inc.</i>	
	<i>LATA-Parallax Portsmouth, LLC</i>	
	<i>Integrated Solutions and Services, Inc.</i>	
	<i>North Wind, Inc.</i>	
	<i>Cavanaugh Services Group, Inc.</i>	
	<i>TMC Services</i>	
XIV.	APPENDIX	Page 20
	EXHIBIT 1. <i>FY 2001 – FY 2005 Small Business Achievement Chart</i>	
	EXHIBIT 2. <i>FY 2005 Goals vs. Achievement Chart</i>	
	EXHIBIT 3. <i>Small Business Conferences and Exhibits</i>	
	EXHIBIT 4. <i>List of Advertisements and Press Releases</i>	
	EXHIBIT 5. <i>DOE Small Business Conference Agenda</i>	
	EXHIBIT 6. <i>DOE Small Business Advisory Team</i>	
	EXHIBIT 7. <i>Index of AL 2005-06 and AL 20905-08</i>	
	EXHIBIT 8. <i>Index of Small Business Desktop Reference Guide</i>	
	EXHIBIT 9. <i>Memorandum of Understanding (MOU) with SBA</i>	

Department of Energy
Annual Report to the Secretary on Small Business Programs
Fiscal Year 2005

I. DOE MISSION

The Department of Energy (DOE) has an overarching mission to advance the national, economic and energy security of the United States; to promote scientific and technological innovation in support of that mission; and to ensure the environmental cleanup of the national nuclear weapons complex.

II. INTRODUCTION

The Annual Report to the Secretary on Small Business Programs is prepared annually to document activities and achievements during a fiscal year. The report also includes small business participation in the areas of innovative research and technology transfer.

III. LAWS AND REGULATIONS

All small business activities at DOE are conducted in response to Federal Statutes, Laws and Regulations, as well as departmental initiatives as described below.

- Code of Federal Regulations (CFR)
- Federal Acquisition Regulations (FAR) Part 19
- Executive Orders (EO)
- The Small Business Act, as amended (*15 U.S.C. 631 et seq.*)
- The Federal Acquisition Streamlining Act of 1994 (Public Law 103-355)
- Small Business Administration Reauthorization and Amendments Act of 1994 (Public Law 103-403)
- Energy Policy Act of 1992 (Public Law 102-486, Section 3021)
- Prompt Payment Act Amendments of 1988 (Public Law 100-496, Section 12)
- Business Opportunity Development Reform Act of 1988 (Section 501)
- The HUBZone Act of 1997 (*Public Law 105-135, Title VI*)
- The Veterans Entrepreneurship and Small Business Development Act of 1999 (*Public Law 106-50*)
- Veteran Benefit Act of 2003 (Public Law 108-183, Section 308)
- Federal Acquisition Reform Act (Public Law 104-106)
- Women's Business Ownership Act of 1988 (Public Law 100-533, Section 502)
- Executive Order 12138
- Executive Order 13157
- Executive Order 13170
- Executive Order 13360
- Energy Policy Act of 2005
- Emergency Supplemental Appropriations Act of Defense, the Global War on Terror and Tsunami Relief 2005, Public Law 109-13

- Acquisition Letter (AL) 2005-06
- Acquisition Letter (AL) 2005-08

IV. OFFICE OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION (OSDBU)

The OSDBU was established in 1979 pursuant to Public Law 95-507. The specific duties of this office are identified in 15USC 644 (k). The OSDBU is responsible for administering the DOE small business program and for promoting small business participation as listed below:

- Negotiates the departments annual small business goals with the Small Business Administration (SBA);
- Monitors and tracks small business goals;
- Reports performance against achievements to the Secretary and to Congress;
- Assists and counsels small businesses regarding DOE's procurement processes, opportunities and challenges;
- Assists and counsels departmental prime contractors regarding subcontract goals and requirements; and
- Assists and counsels departmental offices regarding small business goals and requirements.

For more information about OSDBU programs and activities, visit <http://smallbusiness.doe.gov>.

V. DOE BUSINESS MODEL

The DOE business model consists of outsourcing a major portion of its work. This model has resulted in contracts to operate facilities and national laboratories known as Management and Operating contracts (M&Os), Management and Integration contracts (M&Is), and Environmental Restoration and Waste Management Contracts (ERMCs); also known as Facility Management Contracts (FMCs). These FMC contracts are generally awarded to large businesses, educational institutions and non-profit organizations and represent nearly 90 percent of the DOE procurement base. Approximately 10 percent, or the balance of the total procurement base, is used to fund non-FMC contracts. DOE has made a commitment to consider all new contracts not designated for M&O contracts for small business set aside unless a compelling reason can be shown to do otherwise.

VI. SMALL BUSINESS GOALS

Under statutory authority, (15 USC 644 (g) (1)) the President establishes annual government-wide goals for small businesses to participate in providing goods and services to the Federal Government.

To ensure that small businesses get their fair share of federal government contracts, Congress enacted government-wide statutory goals for Federal executive agencies. Section 15(g) of the Small Business Act authorizes each agency, however, to establish realistic goals for the award of contracts to small businesses. Listed below are both the government-wide statutory goals and the DOE negotiated goals.

Government-wide statutory goals

- 23 percent of prime contracts for small businesses;
- 5 percent of prime and subcontracts for small disadvantaged businesses;
- 5 percent of prime and subcontracts for women-owned small businesses;
- 3 percent of prime contracts for HUBZone small businesses;
- 3 percent of prime and subcontracts for service-disabled veteran-owned small businesses.

DOE negotiated goals

	<u>Prime goal</u>	<u>Subcontract goal</u>
• Small business	5.50%	50.0%
• Small disadvantaged business	3.20%	15.0%
• Women-owned business	3.30%	10.0%
• HUBZone business	1.50%	3.0%
• Service-disabled veteran business	1.50%	1.5%

VII. SMALL BUSINESS ACHIEVEMENTS

Prime Contracting

The small business prime contracting achievement in FY 2005 was \$955,305,000 or 4.45 of total obligations. Over the past four years, DOE has increased its small business prime contract achievements by \$416,971,000. **(EXHIBIT 1)** With regard to its prime contract small business socioeconomic goals, however, DOE has been unable to achieve its goals. **(EXHIBIT 2)**

Subcontracting

For the past two years (FY 2004-2005), due to the government-wide conversion to a new Electronic Subcontract Reporting System (eSRS), DOE has not received subcontract achievement data. For several years DOE has averaged approximately \$3.5 billion per year in subcontract awards to small business. For the purposes of this report, then, we are projecting achievements of \$3.5 billion in small business subcontract awards. *(See Chart A entitled "Total DOE FY 2005 Small Business Contributions" on page14).*

VIII. SOCIOECONOMIC SMALL BUSINESS ACHIEVEMENTS

A listing of DOE achievements with regard to the various small business socioeconomic programs is provided below:

8(a) and Small and Disadvantaged Business (SDB)

In FY 2005, DOE awarded \$301,470,000 in prime awards to 8(a) and SDBs. This amount represents only 1.4% of total obligations and is less than the 3.2% goal. Although DOE cannot report its total small business subcontract awards for 2005 because that information has not been provided by the eSRS system, we can report that 29 contractors have reported awarding a total of \$282,775,556 through the DOE “8(a) Pilot Program”. Information on this program can be accessed at <http://smallbusiness.doe.gov>. The OSDBU has worked closely with this socioeconomic group including having 8(a) and SDB associations as members of the DOE Small Business Advisory Team.

Women-Owned

In FY 2005, DOE awarded \$127,699,000 prime awards to women-owned small businesses. This represents only .6% of total obligations and falls short of the DOE goal of 3.3%. We do not have any data available on subcontract awards. Section XIII on page 14-15 of this report reflects specifics on some of these prime contract awards. In outreaching to women businesses, the OSDBU featured a panel of women-owned businesses at the DOE Annual Small Business Conference held this year in Nashville, Tennessee. Additionally, the OSDBU has participated in over ten (10) women-owned small business related conferences, works closely with the SBA’s National Women’s Business Council and has women associations as members of the DOE Small Business Advisory Team.

Information on DOE’s Women Small Business Programs can be found at http://smallbusiness.doe.gov/Small_Business_Programs/Women-Owned_Business/women-owned_business.html.

HUBZone

In FY 2005, DOE awarded \$42,451,000 in prime contracts to HubZone businesses. This represents only .2% of total obligations at DOE and falls short of the DOE goal of 1.5%. In outreaching to HUBZone firms, the OSDBU participated in two (2) conferences targeting HUBZone small businesses and has HUBZone association representation on the DOE Small Business Advisory Team. For more information on the DOE HUBZone Empowerment Contracting Program, please visit http://smallbusiness.doe.gov/Small_Business_Programs/HUBZones/hubzones.html.

Service Disabled Veteran-Owned (SDVO)

In FY 2005, SDVO small businesses were awarded \$47,631,000 in prime contracts from

DOE. This represents .22% of total obligations and falls short of the DOE goal of 1.5%.

In compliance with the FY 2005 Strategic Plan to increase contracting and subcontracting opportunities for service disabled veteran-owned businesses DOE has taken several proactive steps including 1) issuance of a Policy statement by Secretary Samuel Bodman on June 7, 2005; 2) issuance of a Policy Flash, 2005-50, "Increasing Awards to Service-Disabled Veteran Owned Small Business"; 3) OSDDBU participation in three conferences targeted to SDVO small businesses, and 4) inclusion of the Association of Service Disabled Veterans on the DOE Small Business Advisory Team. For more information about the SDVO Program, please visit

http://smallbusiness.doe.gov/Small_Business_Programs/Service_Disabled_Veterans-Ownne/service_disabled_veterans-ownne.html.

IX. FY 2005 OBJECTIVES

In FY 2005, DOE developed several objectives to increase small business opportunities. These objectives were included in the FY 2005 Strategic Plan provided to departmental elements and are reported below:

1) Established and tracked the Department's small business prime contracting goals.

Action:

Development of the departmental small business prime contracting goals begins with a goaling workshop for program offices. The FY 2005 goaling workshop was conducted on September 13, 2004. The workshop covers the process to be used by each office in developing and submitting its small business goals, and the SBA requirements for negotiating the Department's goal. The small business Department-wide goal proposed by the program offices for FY 2005 was 3.88%. The 3.88 percent goal fell short of the 5.5 % goal negotiated with the SBA.

Prime contract awards to small businesses are tracked through the i-Manage Data Warehouse (IDW) system. IDW reports are provided to the program offices on a quarterly basis. The year-end report reflects \$955,305,000 in obligations to small business or 4.45 % of total DOE procurement obligations. The 4.45 % achievement fell short of the 5.5 % goal negotiated with SBA.

2) Published and maintained a Department-wide procurement forecast.

Action:

The OSDDBU is responsible for the preparation of the department's procurement forecast of potential prime and subcontracting opportunities. The forecast is prepared twice a year by the small business program managers and can be found at <https://hqinc.doe.gov/registration>. The FY 2005 forecast was updated in October

2004 and in March 2005. In FY 2006, the forecast will have the capability to be updated in real-time.

3) Reviewed all acquisition requests over \$3 million to ascertain/recommend small business participation.

Action:

There were eight (8) acquisition requests over \$3 million not set aside for small business submitted to the OSDBU for review. The OSDBU reviewed and approved these requests. Additionally, the OSDBU made recommendations for increasing the small business participation at the subcontract level by 1) ensuring that the subcontract goals on each request met the small business subcontract goals negotiated by DOE with SBA and 2) requiring the use of a Mentor-Protégé Plan on these projects.

4) Conducted outreach and technical assistance for the small business community to do business with DOE.

Action:

1. An outreach plan consisting of conferences or events to be attended was developed for FY 2005 and updated as information was received relevant to upcoming events. **(EXHIBIT 3)** In addition to the calendar, the plan also included submitting and placing advertisements and small business articles in publications such as the Hispanic Trends magazine, Hispanic Business magazine, Latina Style magazine, Success magazine, Black Enterprise magazine, Veterans magazine and others. **(EXHIBIT 4)**

2. The OSDBU staff participated in numerous small business conferences and technical assistance workshops, including the SBA Matchmaking Conferences across the country, and conducted the annual DOE Small Business Conference in Nashville, Tennessee on June 12-15, 2005. There were over 1400 attendees at the DOE annual conference which included workshops, exhibitors and a “matchmaking” session with over \$1.5 billion in sub-contracts available for small businesses. **(EXHIBIT 5)**

3. The OSDBU has a “Small Business Advisory Team” comprised of small business and trade organizations that provide guidance to the OSDBU and also serve as a vehicle to refer DOE procurement opportunities to their small business members. The team includes a wide range of representatives from the small business community. **(EXHIBIT 6)**

4. The OSDBU provided small businesses with one-on-one technical assistance and coordinated presentations to other DOE program and/or procurement offices.

- 5) **Conducted internal small business awareness training for DOE contracting officers, procurement specialists, and small business program managers.**

Action:

1. The OSDBU assisted the Office of Procurement and Assistance Management (OPAM) with updates for Acquisition Letters that address small business requirements on a variety of issues such as subcontract goaling and reporting. **(EXHIBIT 7)**

2. DOE held the first semi-annual training meeting for Small Business Program Managers at the Annual Small Business Conference on June 15, 2005 in Nashville, Tennessee. At that time the OSDBU provided a “desk manual” to all attendees containing copies of small business laws, rules and regulations, acquisition letters, Government Accountability Office (GAO) studies, Mentor Protégé Program procedures and small business goaling guidelines and forms. **(EXHIBIT 8)**

3. DOE held the second semi-annual training meeting for Small Business Program Managers on November 30, 2005 in Washington, DC. At this time the OSDBU discussed the following topics: 1) 2006 Strategic Plan; 2) GAO Report 05-459; 3) DOE/SBA MOU and Study; 4) Subcontracting Standard Operating Procedures; 5) Electronic Subcontracting (eSRS); 6) GSA Federal Supply Schedule Program; 7) Small Business Forecast; and 8) Service Disabled Veterans Program. **(EXHIBIT 8)**

- 6) **Conducted Management and Operating (M&O) “breakout” studies as well as an implementation plan.**

Action:

One (1) study was conducted for the Thomas Jefferson National Accelerator (TJNA) facility in September 2005. This study was provided to the Office of Science and is being utilized as part of their review in developing the current Request for Proposal (RFP).

The implementation plan for the TJNA study consisted of meetings between the OSDBU, the Office of Science, the Office of Congressional Affairs and members of the House Small Business Committee to determine what work, if any, could be pulled out of the existing facilities contract for small business prime contracting. As of the end of FY 2005, the final implementation plan was pending at the Office of Science.

- 7) **Conducted reviews of M&O prime contractors for compliance with subcontract plans.**

Action:

There were no reviews conducted in FY 2005 due to the lack of subcontract achievement data caused by the government-wide conversion to a new Electronic Subcontracting Report System (eSRS). Once that data is available the OSDBU intends to continue with its reviews.

8) Maintained a Mentor Protégé Program.

Action:

The OSDBU updated the DOE Mentor Protégé Program, is recruiting mentors for the program, and conducted a mentor protégé training session at the 6th Annual DOE Small Business Conference in Nashville, Tennessee on June 13, 2005. There are currently 52 mentor protégé teams in the Mentor Protégé Program which have generated \$258,940,403 in subcontracting opportunities for small business.

The OSDBU continues to work with the SBA to propose the establishment of mentor protégé teams under SBA 8(a) Mentor Protégé Program and is in the process of finalizing procedures with SBA to facilitate this action.

9) Developed a new small business policy for the Secretary of Energy to cover both prime and subcontracting for each category of the small business program.

Action:

A new small business policy has been developed to address both prime and subcontracting at DOE. Issuance is expected in FY 2006.

X. SMALL BUSINESS INITIATIVES

In addition to the objectives stated in the FY 2005 Strategic Plan, the OSDBU undertook several other initiatives designed to improve its efforts on behalf of small businesses and potentially increase small business participation at both the prime and subcontract levels. These initiatives include: 1) Contract Bundling; 2) MOU with SBA; 3) Small Business Matchmaking; 4) OSDBU Tracking System; and 5) Bank Deposit Financial Assistance Program.

1) Contract Bundling

In October 2002 the Office of Federal Procurement Policy (OFPP) at the direction of the President's Office of Management and Budget issued a report entitled: "Contract Bundling: A Strategy for Increasing Federal Contracting Opportunities for Small Business". Since that time, there have been FAR changes requiring that departments address the adequacy of

contract bundling documentation and the actions taken to mitigate the effect of necessary and justified contract bundling on small business and report annually on its contract bundling activities to the Secretary and to the SBA Administrator.

Action:

During 2005, the actions taken by the OSDBU include the following:

1. Mitigated a proposed contract bundling action considered by the Office of Environmental Management (EM) at the Waste Isolation Pilot Project (WIPP) in Carlsbad, NM. Based on our efforts, EM decided not to consolidate contracts (which would result in a bundled contract) but to retain the transportation project operated by a small business as a small business contract.
2. Mitigated a contract bundling action proposed by the Office of Security and Special Performance Assurance (SP). In this instance, the OSDBU concurred with SP and the OPAM that the combining of two contracts did not comprise a bundling activity. The SBA concurred with DOE.

2) MOU with SBA

The “Emergency Supplemental Appropriations Act of Defense, the Global War on Terror, and Tsunami Relief, 2005”, Public Law 109-13, Section 6022, required that the Department and SBA 1) enter into a MOU setting forth an appropriate methodology for measuring the achievement of DOE with respect to awarding contracts to small businesses, and 2) conduct a joint study to examine the feasibility of possible changes to management and operating contracts and other management contracts within the DOE to encourage new opportunities for small businesses to increase their role as prime contractors.

Action

The study is underway and the MOU was finalized on September 30, 2005. **(EXHIBIT 9).** The net result of the MOU is that DOE and SBA will continue to count prime and subcontracts as is currently being counted. DOE and SBA further agreed to meet periodically to consider, explore, and resolve issues regarding the MOU and its methodologies, as well as cooperate in establishing realistic and challenging goals, and advancing the objectives of the Small Business Act.

3) Business Matchmaking

Matchmaking is designed to connect small businesses to government and industry. These matchmaking events provide a unique opportunity for DOE to connect with small businesses through pre-scheduled one-on-one appointments.

Action:

The OSDBU participated in 13 non-DOE sponsored matchmaking events during 2005. In addition to these events, the OSDBU hosted a DOE matchmaking event at its Annual Small Business Conference in Nashville, TN. One hundred ninety (199) companies participated and were introduced to 103 DOE prime contractors and Tennessee government agencies. The follow-on survey indicates that 57 percent of these companies are now pursuing serious procurement leads.

4) OSDBU Tracking System

The OSDBU developed a tracking system (Lotus Notes) to automate the tracking of requests received by the OSDBU.

Action:

The OSDBU tracking system was activated in FY 2005 and is described below:

1. ***Incoming Requests***-Requests addressed to a specific individual are delivered to the respective person(s) for review. General correspondence is given to the administrator for proper distribution.
2. ***Open & Review Requests***-Each person is responsible for reviewing requests and opening a ticket to initiate the request tracking process.
3. ***Update Ticket***- When action is required for ticket, updated information is recorded for the respective ticket.
4. ***Close Ticket and Archive***-Once the pending action is completed, the ticket is closed by the ticket creator. The Lotus system archives closed items for 30 days. If ticket information is needed for reference after the 30 days, it can be requested from the Lotus administrator.
5. ***Confirmation and Notification***-A confirmation and notification is sent electronically via MS Outlook. The content of the email will include the ticket ID number, action required, due dates and comments. If the ticket includes an attachment, it is also included in the email notification.

5) Bank Deposit Financial Assistance Program

Since 1980, the Department of Energy has operated a Bank Deposit Financial Assistance Program funded by crude oil overcharge funds. Banks eligible for the program must be certified by the U.S. Treasury under its Minority Bank Deposit Program.

Action

DOE provided \$224.5 million to 98 minority-owned minority financial institutions in twenty-eight (28) States, Puerto Rico, and the District of Columbia.

XI. SMALL BUSINESS RESEARCH & TECHNOLOGY PROGRAMS

In addition to procurement awards to small businesses, there are financial assistance awards available to small business under programs at DOE dedicated to research and development, technology development and transfer technology. The inclusion of these awards in the annual report provides a more complete view of the Department's overall efforts on behalf of small business. A brief description of each program is provided below.

Small Business Innovation Research Program (SBIR)

The SBIR is managed by the Department's Office of Science, and provides support for small businesses with strong research capabilities in science or engineering areas critical to Departmental missions. In FY 2005, the SBIR program obligated \$100.8 million to small businesses to perform research and development dealing with innovative advanced concepts to address scientific or engineering problems.

Of the \$100.8 million obligated in FY 2005, \$25.9 million was awarded to support 261 SBIR Phase I projects in 35 states to address critical needs in the areas of Electric Transmission and Distribution, Defense Nuclear Nonproliferation, Biological and Environmental Research, High Energy and Nuclear Physics, Advanced Scientific and Computational Research, Energy Efficiency and Renewable Energy, Nuclear, Basic, Fossil, and Fusion Energy. The Phase I grants will explore the feasibility of proposed innovations. DOE also funded 108 Phase II grants, totaling approximately \$74.9 million. The funds for the Phase II awards are obligated over two fiscal years.

For a list of projects, please visit <http://www.science.doe.gov/sbir/newweb/awards.htm>.

Small Business Technology Transfer Program (STTR)

The STTR is a competitively awarded, three-phase Federal Government program, designed to stimulate technological innovation and provide opportunities for small businesses. The STTR is managed by the Office of Science, supports small businesses with strong research capabilities, and issues grants that involve substantial cooperative research collaboration between a small business and a non-profit research institution.

The total STTR agency obligations for FY 2005 were \$12,179,909. Of this total, \$7,581,417 was obligated to small businesses. The STTR projects were selected to cover a broad spectrum of energy-related research and development projects in the areas of electric transmission and distribution; biological and environmental research; fossil, fusion, and renewable energy; energy efficiency; high energy and nuclear physics; advance scientific and computing research; and basic energy sciences.

For a list of projects and additional information, visit: <http://www.science.doe.gov/sbir>.

Inventions and Innovation Program

The Inventions and Innovation (I&I) program offers financial and technical support to inventors and businesses for promising energy-saving concepts and technologies. I&I selects innovative technology businesses to receive grants through a competitive process.

In addition to competitively awarded financial assistance, I&I offers grantees technical guidance and mentoring through Energy TechNet, a comprehensive website for inventors, as well as access to information through technology events and referrals. Publications and a database of inventor resources are also available to the public. Small business received \$1,319,439 of the FY 2005 total obligations of \$3,894,192. For additional information on the I&I program, access the website at: <http://www.eere.energy.gov/inventions>.

XII. TOTAL IMPACT OF SMALL BUSINESS PROGRAMS & ACHIEVEMENTS

Total DOE FY 2005 Small Business Contributions

<i>Activity/ Programs</i>	<i>Value</i>
Small Business Prime Contracts	\$955,305,000
Small Business Subcontracts	\$3,500,000,000*
Small Business Innovation Research Program (SBIR)	\$100,786,824
Small Business Technology Transfer Program (STTR)	\$7,581,417
Inventions and Innovations Program (I&I)	\$1,319,430
<i>Subtotal</i>	<i>\$4,564,992,671</i>
Bank Deposit Financial Assistance Program	\$224,500,000
Total	\$4,789,492,671

**Estimated three (3) year average*

TABLE A

DOE is proud to report that the \$4.8 billion contributed to small business community represents 21.5% of its budget of \$22.3 billion for FY2005.

XIII. SUCCESS STORIES

Small Businesses are making great strides at DOE in the development of their business and technical lines; achievements that are not reflected by statistics. They are often innovators and pacesetters in new technologies. Whether as a prime or subcontractor, as a protégé in a mentor protégé relationship, or as a member of a team, these small businesses provide outstanding contributions to the DOE mission, often achieving savings and efficiencies for DOE. This section will highlight some of these premier small businesses with superior performance.

Navarro Research and Engineering, Inc.

Navarro is a great success story for the Department of Energy's (DOE) BWXT Y-12 Plant in Oak Ridge, Tennessee. This firm obtained its first major contract to support the Y-12 Plant and has successfully expanded into other the major DOE sites. Based on outstanding technical services, Navarro has become a main provider of safety services to DOE with a total of over 30 contracts and annual revenue of approximately \$47 million in 2005. Navarro has had 68 contracts with Y-12 totaling \$12,892,557 million. For the past three years, Navarro has been ranked among the 500 fastest growing companies in the *Inc 500*, and they were recently ranked as the 26th fastest growing Hispanic business in the US in *Hispanic Business* magazine. Navarro recently became a protégé of BWXT. In addition, they are mentoring other small businesses.

Navarro's quality performance has consistently met or exceeded the expectations of BWXT. Navarro manages the Y-12 Nuclear Packaging Program as well as the Y-12 part of the Los Alamos National Laboratory's (LANL) TA-18 Early Removal Project. Navarro was tasked with managing the development of two Type B packaging SARPs in support of the movement of radioactive materials from the TA-18 site to the Nevada Test Site for storage/future use. In managing this task, the company has provided highly qualified technical personnel and has grown its task scope due to excellent performance. Navarro has been critical to meeting the commitments made to Congress to vacate the TA 18 site by LANL, DOE and National Nuclear Security Administration's (NNSA).

This 8(a), woman-owned business has an excellent cost control system. It also has very low indirect rates, allowing it to attract highly qualified personnel. Navarro has controlled its costs through the duration of the contracts, allowing BWXT to meet its commitments in a cost-efficient manner.

LATA-Parallax Portsmouth, LLC

On January 10, 2005, the Department of Energy (DOE) announced that LATA-Parallax Portsmouth LLC, a small business joint venture between Los Alamos Technical Associates Inc. and Parallax Inc., was awarded a \$141,261,897 contract to perform environmental remediation and waste management activities at DOE's Portsmouth Gaseous Diffusion Plant in Piketon, Ohio. The contract will run through September 30, 2009. LATA-Parallax will be responsible for groundwater and soil remedial actions, removing legacy waste, decontamination and decommissioning (D&D) facilities, highly enriched uranium disposition, operating the site waste storage facilities, and surveillance and maintenance activities, as well as other activities.

LATA-Parallax is owned by Los Alamos Technical Associates Inc. (LATA), a New Mexico-based engineering, environmental and nuclear operation services company, and Parallax Inc., a Maryland-based engineering, environmental and nuclear operations services company. LATA is a service-disabled veteran owned small business and Parallax

is a minority women-owned small business. This is the first time this contract has been performed by a small business.

Integrated Solutions and Services, Inc.

The DOE's Oak Ridge Associated University (ORAU), in Oak Ridge, Tennessee, entered into a Mentor Protégé agreement with Integrated Solutions and Services, Inc., (ISS), a woman-owned, small business located in a HubZone in Knoxville, Tennessee. ISS and ORAU have a signed agreement initiating a support relationship as provided under the U.S. Department of Energy's (DOE) Mentor Protégé program. ISS has been doing work with ORAU for the past year and supports several ORAU programs. The technical capabilities at ISS have increased tremendously over the past year. The firm has developed capabilities in several very complex service areas, such as health physics, toxicological services and modeling, as well as in event planning/meeting management services. ISS is astute in recognizing the specific capabilities required and ensuring that resources are made available to meet those requirements, even when the requirements necessitate staff expansion by nominee subcontractor.

Recently, ISS was awarded a \$1 million, one year waste management blanket contract with an FMC at a DOE national security complex. Due to funding requirements, the project was fast tracked, and the first phase was completed in three weeks, a reduction from the estimated fifteen-week forecast. The scope of the project included establishing an assembly line where individual chemicals could be brought from all points inside the complex. The chemicals would be received sorted for compatibility, packaged and loaded for transportation and disposed. The assembly line concept was so efficient that the customer management and the end users expanded the project scope and funded an additional \$0.5 million on this project. In, total, over 3,000 containers were sorted packaged and shipped in the three week period substantially reducing the administrative management cost to the national security complex customer.

ISS has received subcontracts totaling \$2,114,373.

North Wind, Inc.

DOE's contractor, Bechtel BWXT Idaho, LLC (BBWI) and North Wind, Inc. entered into a subcontract under a DOE approved Mentor Protégé program for the characterization, transportation, treatment and disposal of Lower Limit of Detection Waste. This subcontract has an estimated value of \$4.7 million. BBWI as the mentor provides program guidance and assistance as necessary to allow North Wind, its protégé, to develop its capability to perform the statement of work.

North Wind, Inc. is an award-winning small, Hispanic-American, woman-owned, 8(a) company with a reputation for outstanding services and quality. North Wind has capabilities in environmental restoration, engineering, program management, geosciences, waste management, natural and cultural resources, remediation technologies, information

technology, and civil construction services. North Wind maintains over a dozen offices throughout the intermountain West and Alaska areas. In addition to its work for the Department of Energy, North Wind's customers include the Departments of Defense, Interior, and Agriculture, and many commercial clients.

Cavanaugh Services Group, Inc.

Cavanagh Services Group, Inc. is an 8(a), HUBZone, woman-owned small business that provides packaging, transportation, and disposal services to the environmental cleanup industry for both government and commercial projects. Cavanagh owns and maintains a fleet of specialized bulk containers and large 110-ton railcars in order to support its projects. Cavanagh is headquartered in Salt Lake City, Utah with a Southeast Regional Office in Oak Ridge, Tennessee. Cavanagh employs a total of eight (8) employees with 2005 revenues of \$11 million.

The majority of the company's 2005 revenue (80%) was received from government projects under subcontracts with prime contractors. The majority of the government revenue received is from the Department of Energy (DOE); specifically the following projects: 1) Rocky Flats Closure Project 2) Mound Closure Project; 3) Oak Ridge Closure Project; 4) Columbus Closure Project; and 5) the Idaho Closure Project.

In 2005, Cavanagh provided its services on a total of thirty-seven (37) projects. Twenty-seven (27) of those 37 projects were DOE projects. The company performed these projects in 13 different states. The DOE projects were performed in Idaho, Colorado, Illinois, New York, Ohio, Tennessee, and New Mexico.

Susan P. Rice, owner and president of Cavanagh Services Group, Inc. was selected by the US Small Business Administration as the "2005 Utah Small Business Person of the Year" in March 2005. Also, in October 2005, Cavanagh Services Group received the Utah 100 "Emerging Elite" award as one of the state's top 15 fastest growing companies.

TMC Services

TMC Services is a woman-owned emerging small business incorporated in New Mexico. As a nuclear engineering firm started in 1997, TMC has focused on the delivery of highly technical support, services and technologies to the Department of Energy. Ms. Linda Majors, President and CEO of TMC Services, received her nuclear engineering degree from the University of New Mexico and manages a company where approximately 75 percent of employees hold advanced degrees. TMC is rated at 92 (out of 100) by GSA Open Ratings for engineering service performance. Ninety percent of TMC employees hold "Q" or TS level DOE or DoD clearances.

TMC Services has achieved its corporate vision of applying the key principles of nuclear systems engineering to cutting edge technical opportunities within the technology rich environment of Los Alamos National Laboratory. These opportunities were provided

from contracts performed for the Department of Energy in the areas of non-proliferation, cost engineering and safety and reliability. TMC has performed work with the following contracts with LANL, and LANL subcontractor KSL, that supported NNSA projects related to national security.

- Projects requiring radiation detector testing, development and deployment
- Nuclear facility design and relocation
- Nuclear component configuration management
- Nuclear material processing and quality assurance
- Implementation of nuclear facility modifications

TMC played vital roles in the successful relocation of facilities and material from LANL to the Nevada Test Site and in the successful achievement of nuclear material delivery milestones, for which it received distinguished service recognition from LANL. Corporate revenues of DOE work in 2005 were approximately \$6 million. In accomplishing the on time delivery of technical support, project management services and science to DOE TMC has achieved global experience. They have received world-wide recognition for their cutting edge scientific and systems engineering approach.

*****END OF REPORT*****

XV. APPENDIX

EXHIBIT 1. FY 2001 – FY 2005 Small Business Achievement Chart

EXHIBIT 2. FY 2005 Socio-Economic Small Business Achievement Chart

EXHIBIT 3. FY 2005 Listing of Conferences

EXHIBIT 4. List of Advertisements and Press Releases

EXHIBIT 5. DOE Small Business Conference Agenda

EXHIBIT 6. DOE Small Business Advisory Team

EXHIBIT 7. Index for AL 2005-06 and AL 2005-08

EXHIBIT 8. Index of Small Business Desktop Reference Guide

EXHIBIT 9. Memorandum of Understanding (MOU) for Counting Small Business Achievements

DEPARTMENT OF ENERGY
FY 2001 through FY 2005 SMALL BUSINESS ACHIEVEMENT
(Dollars in Thousands)

Category	No. Prime Actions	2001		No. Prime Actions	2002		No. Prime Actions	FY 2003		No. Prime Actions	FY 2004		No. Prime Actions	2005	
		Achievement			Achievement			Achievement			Achievement			Achievement	
		\$	%		\$	%		\$	%		\$	%		\$	%
Prime Contracting Base		\$18,598,697			\$19,005,018			\$21,085,020			\$22,083,169			\$21,480,845	
Small Business	8,933	\$538,334	2.89%	8,075	\$591,273	3.11%	7,726	\$859,374	4.08%	12,141	\$902,974	4.28%	5,206	\$955,305	4.45%
8(a)	909	\$148,716	0.80%	1,019	\$181,772	0.96%	1,072	\$165,194	0.78%	908	\$281,853	1.34%	974	\$180,971	0.84%
non- 8(a) SDB	621	\$85,164	0.46%	601	\$106,707	0.56%	614	\$113,842	0.54%	1,084	\$15,466	0.07%	758	\$120,499	0.56%
Total SDB	1,530	\$233,880	1.26%	1,620	\$288,479	1.52%	1,686	\$279,036	1.32%	1,992	\$297,319	1.41%	1,732	\$301,470	1.40%
Women-owned Small Business	854	\$72,771	0.39%	885	\$98,566	0.52%	9,212	\$314,375	1.48%	1,466	\$106,402	0.50%	1,105	\$127,689	0.59%
HUBZone Businesses	86	\$11,831	0.06%	123	\$29,083	0.15%	1,784	\$72,601	0.34%	326	\$25,333	0.12%	291	\$42,451	0.20%
Service-Disabled Veteran	N/A			17	\$1,350	0.01%	50	\$27,886	0.13%	56	\$9,488	0.04%	116	\$47,631	0.22%
Subcontracting Base		\$6,409,347			\$7,548,561			\$7,344,657							
Small Business		\$3,030,376	47.3%		\$3,688,204	48.9%		\$3,533,768	48.1%			0.0%			0.0%
Small Disadvantaged Business		\$633,918	9.9%		\$705,245	9.3%		\$582,098	7.9%			0.0%			0.0%
Women-owned Small Business		\$501,417	7.8%		\$573,584	7.6%		\$608,262	8.3%			0.0%			0.0%
HUBZone Businesses		\$45,859	0.7%		\$105,361	1.4%		\$127,439	1.7%			0.0%			0.0%
Service-Disabled Veteran		\$7,829	0.1%		\$3,458	0.0%		\$11,928	0.2%			0.0%			0.0%
Total Prime and Subcontracting Small Business Awards		\$3,568,710			\$4,279,477			\$4,393,142			\$902,974			\$955,305	

The FY 2001 through 2003 prime contracting achievement numbers are from the FPDS.

The FY 2004 prime contracting achievement numbers are from the FPDS-NG.

The subcontracting numbers are from DOE's Subcontracting Reporting System (SRS)

The subcontracting numbers for FY 2004 and FY 2005 are not available from the e-SRS

The FY 2005 prime contract numbers are from the FPDS-NG lot 10/27/05. They are not SBA's official numbers.

DEPARTMENT OF ENERGY
FY 2005 SMALL BUSINESS
GOALS AND ACHIEVEMENTS
(Dollars in Thousands)

Category	FY 2005 SB Goals		FY 2005 Achievement	
	\$	%	\$	%
Prime Contracting Base	\$18,981,159		\$21,480,845	
Small Business	\$1,043,964	5.50%	\$955,305	4.4%
8(a)	\$417,585	2.2%	\$180,971	0.8%
Other SDB	\$189,812	1.0%	\$120,499	0.6%
Women-owned Small Business	\$626,387	3.3%	\$127,699	0.6%
HUBZone Businesses	\$284,717	1.5%	\$42,451	0.2%
Service-Disabled Veteran	\$284,717	1.5%	\$47,631	0.22%
Subcontracting Base	\$6,756,799			
Small Business	\$3,378,400	50.0%	N/A	
Small Disadvantaged Business	\$1,013,520	15.0%		
Women-owned Small Business	\$675,680	10.0%		
HUBZone Businesses	\$202,704	3.0%		
Service-Disabled Veteran	\$101,352	1.50%		
Total Prime and Subcontracting Small Business Awards	\$4,422,364			

The FY 2005 subcontracting achievement is not available from eSRS at this time.

Small Business Conferences/Exhibits

DATE Oct. 2004 to June 2005	FY 2005 CONFERENCE & EXHIBITS	
OCT. 5-7	National Association of Professional Asian Women Conference	Washington, DC Held at the Dept. of Interior Exhibits and Theresa Speake presentation
OCT. 7	MANA National Hermanitas Summer Institute www.hermana.org	Crystal City, VA Director Speake gave presentation on small business and the Department of Energy.
OCT. 14-15	19th Annual Convention of the National Hispanic Women's Corporation www.hispanicwomen.org	Phoenix, AZ Phoenix Civic Plaza Convention Theresa Speake Presentation
OCT. 25-26	Business Women's Network (BWN) Diversity Summit and Gala www.bwni.com	Washington, DC Director Speake participated with the small business office staff.
OCT. 29	New Mexico Minority Enterprise Development Week Program	Albuquerque, NM Director participated along with the small business staff – exhibit.
NOV. 16	Minority Business Professional Network (MBPN)	Washington, DC Yosef Patel and staff participating
DEC. 3rd	Latina Style Magazine – Business Series * DOE Matchmaker www.latinastyle.com	Anaheim, CA. Regional Support
DEC. 6-8	GSA Veterans Small Business Conference www.gsa.gov	Honolulu, Hawaii Director Speake made presentation and DOE Exhibit

April 1	MANA National Hermanitas Summer Institute www.hermana.org	San Antonio, TX Director Speake participated in panel and promoted the SB Conference in Nashville
APRIL 1	LATINA Style Business Series	San Antonio, TX Director Speake participated and promoted the SB conference in Nashville
APRIL 19-22	U.S Hispanic Chamber of Commerce Legislative Conference www.ushcc.com	Washington DC Director Speake participated and promoted The SB conference in Nashville
APRIL 21	GSA 15th Annual OSDBU Procurement Conference www.GSA.gov	Upper Marlboro, MD OSDBU staff participated and promoted the SB conference in Nashville.
APRIL 25-26	SBA EXPO 2005 www.sba.gov/expo	Washington, DC - Yosef Patel participated in Business matchmaking and Expo. Director Speake attended and promoted the SB Conference in Nashville.
MAY 2	General Services Administration (GSA) –	San Diego, CA Displayed SB Exhibit and promoted the SB

	EXPO www.GSA.Gov	Conference in Nashville.
MAY 2	India Chamber of Commerce – Opening Ceremonies (KV KUMER)	Phoenix, AZ Director Speake participated as keynote speaker and promoted upcoming SB conference in Nashville.
MAY 4-6	CelebrAsian 2005 U.S. Pan Asian American Chamber of Commerce www.uspaacc.com	Washington, DC Omni Shoreham Hotel Exhibit Booth: Yosef Patel and staff participated and promoted the SB conference in Nashville.
MAY 3	The Hispanic Business Roundtable and Latino Coalition Summit	J W Marriott, Washington, DC Director Speake made remarks, participated in business roundtable and promoted upcoming Small Business conference in Nashville.
MAY 15-21	National Image Training Conference and Exposition	Albuquerque, New Mexico Director Speake made remarks and promoted the SB Conference in Nashville.
JUNE 7-8	SBA Western Business Matchmaking Regional Program www.businessmatchmaking.com	Los Angeles, CA OSDBU office participated and promoted the SB Conference in Nashville.
JUNE 12-15	The 6th Annual DOE Small Business Conference. www.smallbusiness-outreach.doe.gov	Nashville, TN Hotel: Gaylord Opryland Resort Director Speake and OSDBU staff participated and promoted “doing business with DOE”.

JUNE 20-22	The National Veterans Small Business Conference	Las Vegas, Nevada OSDBU staff participated and promoted doing business with DOE.
JUNE 22 -23	Las Vegas Latin Chamber of Commerce and Hispanic Business Magazine Summit	Las Vegas, Nevada Director Speake gave remarks and participated in panel promoting "doing business with DOE".
JUNE 30	East Valley Procurement Fair & Business Alliance Summit	Chandler, AZ Director Speake gave remarks and promoted "doing business with DOE".

Listing of Advertisements and Press Releases

DOE Small Business Ads in Publications/websites:

- Latina Style Magazine
- Hispanic Business Magazine
- Hispanic Business.com
- Small Business Success Magazine
- Winning Bids
- Minority Business Enterprise Magazine
- Entrepreneur.com
- Minority Enterprise Advocate
- American Indian Report Magazine
- Hispanic Network Magazine
- Professional Woman's Magazine
- Filipinas Magazine
- Veterans Business Journal

DOE Small Business Press Releases:

- Oak Ridge National Laboratory earns 2005 Small Business Eisenhower Award – April, 2005

Cont., DOE Small Business Press Releases:

- U.S. Department of Energy Announces 6th Annual Small Business Conference & Expo in Nashville, Tennessee,
Online Registration Now Open – April, 2005
- Tennessee Welcomes DOE's 6th Annual Small Business Conference,
Matchmaking Forum to introduce over \$1 Billion in Potential Subcontracting Opportunities – May, 2005
- Deputy Secretary of Energy Clay Sell to Keynote DOE 6th National Small Business Conference in Nashville, "*Securing Economic Freedom-Empowering Small Business*" - *Advisory* – June, 2005
- Deputy Secretary Announces Small Business Awards at 6th National Small Business Conference in Nashville, Tenn. – June, 2005

AGENDA

SUNDAY, JUNE 12, 2005

Golf Tournament

Sponsored by Xerox Corporation and North Wind, Inc.
(Proceeds from the Golf Tournament will benefit the Tennessee State University Foundation Alumni Scholarship Fund and the Corporate Cluster from Engineering.)

8:00 a.m. - 2:00 p.m.

Golf Tournament, Springhouse Golf Club

- ◆ *Shuttles from the hotel to the golf course depart at 7:00 a.m.*
- ◆ *Shuttles from the golf course will return to the hotel around 1:15 p.m.*

4:00 p.m. – 8:00 p.m.

Conference Registration Opens

Cyber Café sponsored by Dell Computer

Delta Lobby B

6:00 p.m. – 9:00 p.m.

“WELCOME TO TENNESSEE” Reception

Sponsored by the State of Tennessee

Delta Lobby A

MONDAY, JUNE 13, 2005

7:00 a.m. – 7:00 p.m.

Conference Registration

Delta Lobby B

7:00 a.m. – 8:00 a.m.

Continental Breakfast

Delta Lobby A

8:00 a.m. – 8:30 a.m.

Opening Session – Welcoming Remarks

Delta Ballroom A

8:30 a.m. – 9:30 a.m.

Plenary Session:

Sponsored by Washington Group International
Small Business Future Initiatives and Success Stories

Delta Ballroom A

9:30 a.m. – 10:30 a.m.

Plenary Session:

*Subcontracting Opportunities with
DOE/NNSA Prime Contractors*

Delta Ballroom A

10:30 a.m. – 10:45 a.m.

Break

Sponsored by East Tennessee Environmental
Business Association (ETEBA)

Delta Lobby A

10:45 a.m. – 11:45 a.m.

Plenary Session:

The Mentor-Protégé Program and YOU

Delta Ballroom A

11:45 a.m. – 12:30 p.m.

Business Networking

Delta Lobby A

12:30 p.m. – 1:30 p.m.

Small Business Awards Luncheon

Sponsored by the Battelle Family

Keynote Address: *Clay Sell, Deputy Secretary of Energy*
National Anthem performed by Ms. Darcie Chism

Delta Ballroom A

1:30 p.m. – 1:45 p.m.

Business Expo Ribbon-Cutting Ceremony

Ryman Hall C2

1:45 p.m. – 5:30 p.m.

Business Expo

Ryman Hall C2

2:00 p.m. – 4:00 p.m.

Breakout Session:

*New Opportunities for Service-Disabled Veteran-Owned
Businesses (SDVOB)*

Bayou CD

6:00 p.m. – 9:00 p.m.	“MUSIC CITY USA” Reception & Buffet Dinner Sponsored by RS Information Systems, Inc. / 1 Source and the Wackenhut Family	Delta Ballroom A
TUESDAY, JUNE 14, 2005		
7:00 a.m. – 5:00 p.m.	Conference Registration	Delta Lobby B
7:00 a.m. – 8:00 a.m.	Continental Breakfast	Delta Lobby A
8:00 a.m. – 9:00 a.m.	Plenary Session: <i>Women-Owned Business Opportunities</i>	Delta Ballroom A
9:00 a.m. – 10:00 a.m.	Plenary Session: <i>Procurement Strategies and Rules of Engagement</i>	Delta Ballroom A
10:00 a.m. – 10:15 a.m.	Break	Delta Ballroom A
10:15 a.m. – 11:45 a.m.	Plenary Session: <i>Procurement Opportunities with Other Federal Agencies and Marketing Strategies</i>	Delta Ballroom A
11:45 a.m. – 12:30 p.m.	Business Networking	Delta Lobby A
12:30 p.m. – 1:30 p.m.	Luncheon Sponsored by National Nuclear Security Administration (NNSA)	Delta Ballroom A
1:30 p.m. – 6:00 p.m.	Business Expo	Ryman Hall C2
2:00 p.m. – 5:00 p.m.	Breakout Session: Sponsored by Parsons <i>Navigating the Maze: Roadmap for Small Business Success</i>	Bayou E
2:00 p.m. – 3:30 p.m.	Breakout Session: <i>Certification Benefits</i>	Bayou CD
3:45 p.m. – 4:45 p.m.	Breakout Session: <i>Grant Programs</i>	Bayou CD
EVENING ON OWN		
WEDNESDAY, JUNE 15, 2005		
7:30 a.m. – 12:00 p.m.	Matchmaking Forum Registered Buyer and Seller Check-In	Delta Lobby B
7:30 a.m. – 8:30 a.m.	Continental Breakfast	Delta Lobby A
8:30 a.m. – 12:00 p.m.	Matchmaking Forum	Delta Ballroom D
LUNCH ON OWN		
1:00 p.m. – 5:00 p.m.	Matchmaking Forum (continued)	Delta Ballroom D
EVENING ON OWN		



Small Business Advisory Team Listing as of 5/3/05

Albuquerque Hispano Chamber of Commerce

Alex O. Romero, President/CEO

1309 4th Street S.W.

Albuquerque, NM 87102

(505) 842-9003

(505) 764-9664 Fax

Alex@ahcnm.org

All America Small Business Exporters Association

Sharon T. Freeman

President

2300 M Street N.W. Suite 800

Washington, D.C. 20037

(202) 332-5137

(202) 332-5286 Fax

larkhor@erols.com

Association of Procurement Technical Assistance Centers

Maureen Jewell

President

222 North 32nd Street

Suite 200

Billings, MT 59101

(406) 256-6871 ext. 233

(406) 256-6877 Fax

jewell@bigskyeda.org

Association for Service Disabled Veterans

John K. Lopez

Chairman

110 Maryland Ave., NE Suite 100

Washington D. C. 20002

(202) 543-1942

(202) 543-5398

ijkl@asdv.org

www.asdv.org

California Black Chamber of Commerce
Mr. Aubrey L. Stone
President & CEO
9851 Horn Road; Suite 160
Sacramento, CA 95827
(916) 364-2400
(916) 364-2404 Fax
donna@calbcc.org

California Hispanic Chamber of Commerce
Julian Canete, President and CEO
770 L Street, Suite 1230
Sacramento, CA 95812
(916) 444-2221
(916) 669-2870 Fax
info@cahcc.com

El Paso Hispanic Chamber of Commerce
Cindy Ramos-Davidson, CEO
201 E. Main Street
El Paso, TX 79901
(915) 566-4066
(915) 566-4479 Fax
cindyramosdavidson@ephcc.org
or Lucio Glenn lglenn@ephcc.org

Hunt Valley Business Forum
Mr. Harsha Desai
P.O. Box 1322
Cockeysville, MD 21030-6322
(410) 744-1685
(410) 771-4133 Fax
HDesai@loyola.edu

Latin American Management Association
Stephen Denlinger, CEO
419 New Jersey Avenue, S.E.
Washington, D.C. 20003
(202) 546-3803
(202) 546-3807 Fax
LAMAUSA@bellatlantic.net

Latin Business Association (LBA)
5400 East Olympic Boulevard
Los Angeles California, 90022.
Phone: (323) 721-4000
Fax: (323) 721-0407
Contact: Olga Martinez
(559) 271-7254
(559) 271-7057 Fax
olga@allrightinc.com

Minority Business Roundtable
Mr. Roger Campos
President & CEO
1300 Pennsylvania Avenue N.W.; Suite 270
Washington, D.C. 20004
(202) 289-8881
roger@mbrt.net

Mississippi Road Builders Association
Mr. Hollis Cheek
President
P.O. Box 22524
Jackson, MS 39225-2524
(662) 289-1631
(662) 289-6806 Fax
hcheek@webulan.com

National Association of Small Disadvantaged Businesses
Mr. Hank Wilfong
President
P.O. Box 13603
Silver Spring, MD 20911
(301) 588-9312
Hwilfongjr@aol.com

National Black Chamber of Commerce
Mr. Harry Alford
President & CEO
1350 Connecticut Avenue N.W. #825
Washington, D.C. 20036
(202) 466-6888
(202) 466-9418 Fax
info@NationalBCC.org

National Council of Minorities in Energy

Mr. Jerry Curry

Chairman

P.O. Box 65783

Washington, D.C. 20035

(703) 790-3502

(866) 663-8007 Toll Free Fax

jcurry@minoritiesinenergy.org

National Indian Business Association

Mr. Peter Homer

President & CEO

1730 Rhode Island Avenue, NW, Suite 1008

Washington, DC 20036

(202) 223-3766

(202) 223-8003 Fax

phomer@nibanetwork.org

National Women's Business Council

Julie R. Weeks

Executive Director

409 Third Street, S.W. Suite 210

Washington, DC 20024

(202) 205-6828

(202) 205-6825 Fax

Julie.weeks@sba.gov

www.nwbc.gov

NEDA Business Consultants, Inc.

Anna Muller, President

Operator of the Minority Business Development Center

718 Central Ave. SW

Albuquerque, NM 87102

(505) 843-7114

(505) 242-2030 Fax

info@nedainc.net

www.nedainc.net

New Mexico 8(a) and Minority Business Association

Tina Cordova

President

718 Central Avenue S.W.

Albuquerque, NM 87102

(505) 843-7114

(505) 242-2030 Fax

info@nedainc.net AND queston@qwest.net

Northern California 8(a) Association
Ms. Belinda Guadarrama, President
25 Leveroni Court
Novato, CA 94949
(415) 883-8338
(415) 883-9393
bq@gcmicro.com

Puerto Rico Minority Business Opportunity Committee
Mr. Juan F. Woodroffe
Project Advisor
530 Ponce de Leon Avenue; Suite 320
San Juan, PR 00901
(787) 289-7880
(787) 289-8750 Fax
juan@puertoricomboc.com

Small Environmental Business Action Coalition
Mr. Kenneth T. Fillman, President
PMC Environmental
Whiteland Business Park
835 Springdale Drive; Suite 201
Exton, PA 19341-2843
(610) 862-5040
(610) 862-5050 Fax
KFillman@pmctechnologies.com

The National Center for American Indian Enterprise Development
Ken Robbins, President/CEO
953 East Juanita Avenue
Mesa, Arizona 85204
480.545-1298 Main
480. 545-4308 Fax
ken.robbins@ncaied.org
www.ncaied.org

U.S. Hispanic Chamber of Commerce
George Franco, Chairman
2175 K Street NW, Suite 100
Washington, DC 20037
(202) 842-1212
(202) 842 3221
Diana Rodriguez, Executive Assistant
drodriguez@ushcc.com
www.ushcc.com

U.S. Hispanic Contractors Association
Mr. Frank Fuentes, Chairman
1400 Smith Road Suite 101B
Austin, TX 78721
(512) 386-6369
(512) 389-0584 Fax
(512) 627-5444 Mobile
Fuentescon@aol.com

U.S. Indian American Chamber of Commerce
Vivek Talvadkar, acting Chairman
3 Bethesda Metro Centers, Suite 700
Bethesda, MD 20814
(602) 531-1200 or (301) 664-8440
(480) 607-9500 Fax or (301) 236-9090
www.usiacc.com

U.S. Pan Asian American Chamber of Commerce
Ms. Sue Allen
President & CEO
1329 18th Street N.W.
Washington, D.C. 20036
(202) 296-5221
(202) 296-5225 Fax
susanallen@uspaacc.com

U.S. Women's Chamber of Commerce
Margot Dorfman, CEO
1201 Pennsylvania Ave. NW Suite 300
Washington, DC 20004
(202) 302-3087 or (410) 745-2006
margot@uswomenschamber.com

Women Impacting Public Policy
Ms. Ann Sullivan
1615 L Street N.W.; Suite 650
Washington, DC 20036
(202) 626-8562
(202) 223-6601 Fax (703) 304-8429 Cell
asullivan@wipp.org



**Department of Energy
Acquisition Regulation**

**No. 2005-08
Date 06/10/05**

ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: Small Business Programs

References:

FAR 7.107	Additional requirements for acquisitions involving bundling
FAR 19.201	General policy
FAR 19.202-1	Encouraging small business participation in acquisitions
FAR 19.302	Protesting a small business representation
FAR 19.306	Protesting a firm's status as a HUBZone small business concern
FAR 19.307	Protesting a firm's status as a service-disabled veteran-owned small business concern
FAR Subpart 19.5	Set-Asides for Small Business
FAR Subpart 19.7	The Small Business Subcontracting Program
FAR Subpart 19.8	Contracting with the Small Business Administration (The 8(a) Program)
FAR Subpart 19.11	Price Evaluation Adjustment for Small Disadvantaged Business Concerns
FAR Subpart 19.12	Small Disadvantaged Business Participation Program
FAR Subpart 19.13	Historically Underutilized Business Zone (HUBZone) Program
FAR Subpart 19.14	Service-Disabled Veteran-Owned Small Business Procurement Program
FAR 52.219-4	Notice of Price Evaluation Preference for HUBZone Small Business Concerns
FAR 52.219-10	Incentive Subcontracting Program
FAR 52.219-22	Small Disadvantaged Business Status
FAR 52.219-24	Small Disadvantaged Business Participation Program-Targets
FAR 52.219-25	Small Disadvantaged Business Participation Program-Disadvantaged Status and Reporting
DEAR Subpart 919.5	Set-Asides for Small Business
DEAR Subpart 919.7	Subcontracting with Small Business, Small Disadvantaged Business, and Women-Owned Small Business Concerns
DEAR Subpart 919.8	Contracting with the Small Business Administration (The 8(a) Program)
DEAR Subpart 919.70	The Department of Energy Mentor-Protégé Program
DEAR 970.1504-4-1	Make-or-buy plans
DEAR 970.5215-2	Make-or-buy plan
DOE Acquisition Guide Chapter 38	Task Order Contracting
13 CFR Chapter 1	Small Business Administration
OFPP Letter 99-1	Small Business Procurement Goals



**Department of Energy
Acquisition Regulation**

**No. 2005-06
Date 03/11/05**

ACQUISITION LETTER

This Acquisition Letter is issued under the authority of the DOE and NNSA Procurement Executives.

Subject: Small Business Procurement Goals

References:

FAR Subpart 19.7 The Small Business Subcontracting Program
13 CFR Chapter 1 Small Business Administration
OFPP Letter 99-1 Small Business Procurement Goals
Small Business Administration (SBA)
Goaling guidelines for the Small Business Preference Programs for Prime

When is this Acquisition Letter (AL) Effective?

This AL is effective immediately upon issuance.

When does this AL Expire?

This AL remains in effect until superseded or canceled.

Who is the Point of Contact?

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Visit the website at <http://professionals.pr.doe.gov> for information on Acquisition Letters and other policy issues.

What is the Purpose of this AL?

The purpose of this AL is to provide guidance on establishing and reporting against contract goals for small business concerns at the prime and subcontract levels.

Department of Energy
Desktop Reference Guide on Small Business
For Small Business Program Managers at DOE Headquarters,
Field Offices and Major Prime Contractors

1. INTRODUCTION TO THE SMALL BUSINESS PROGRAM.....	3
2. LAWS, REGULATIONS, EXECUTIVE ORDERS, POLICIES & ACQUISITION LETTER.....	4
3. SMALL BUSINESSES-DEFENITIONIS of SMALL BUSINESS GROUPS COMVERED UNDER the FEDERAL SMALL BUSINESS LAWS and SMALL BUSINESS SIZE SATNDARDS.....	7
4. NATIONAL and DOE SMALL BUSINESS PROGRAMS AND INITIATIVES.....	10
I) Small Business.....	10
II) Small Disadvantaged Business.....	10
i. 8(a) Business	
ii. Non-8(a) SDB	
III) Native American-owned Businesses, Tribal Governments & Alaskan Native Corporations.....	12
IV) Women-Owned Small Business.....	13
V) HUBZone Businesses.....	13
VI) Service Disabled Veteran-Owned Small Business.....	14
VII) 8(a) Pilot Program.....	15
VIII) Mentor-Protégé Program.....	16
IX) Small Business Competitiveness Demonstration Program.....	16
5. REQUIED SMALL BUSINESS REPORTS.....	18
I) Annual Report to the Secretary.....	18
II) Strategic Plan.....	18
III) Quarterly Small Business Status Report.....	18
6. REQUIRED SMALL BUSINESS ACTIVITIES.....	19
7. CONGRESSIONAL & SECTRETERIAL CORRESPONDENCE and GAO REPORTS....	19
8. DATABASE.....	21
9. PAMPLETS & HANDOUTS.....	22
10. OSDBU OPERATIONS.....	23
Appendix 1. Acquisition Letter.....	24
Appendix 2. Department of Energy’s Directory of Small Business Managers.....	24

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE U.S. DEPARTMENT OF ENERGY
AND
THE U.S. SMALL BUSINESS ADMINISTRATION

I. Preamble

This Memorandum of Understanding (MOU) between the U.S. Department of Energy (DOE or Department) and the U.S. Small Business Administration (SBA) sets forth the methodology for measuring the achievement of the DOE with respect to awarding contracts to small businesses.

II. Purpose

- (a) This MOU implements section 6022(a) of Title VI of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Pub.L. No. 109-13.
- (b) Section 6022(a) provides that DOE and SBA shall, not later than September 30, 2005, enter into a Memorandum of Understanding setting forth an appropriate methodology for measuring the achievement of DOE with respect to contract awards to small businesses.
- (c) Section 6022(b) provides that such methodology shall, at a minimum include a method of counting DOE's achievements in awards of prime contracts and subcontracts to small businesses awarded by DOE management and operating, management and integration, and other facility management prime contractors, as well as uniform criteria that could be used by prime contractors when measuring the value and number of subcontracts awarded to small businesses.

III. Background

- (a) The Small Business Act, 15 USC §631, as amended, provides as a matter of law that the Government should ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government be placed with small business enterprises.
- (b) In 1988, the Business Development Reform Act, Pub.L. No. 100-656, amended the Small Business Act to require the President to annually establish Government-wide procurement goals for small businesses and small disadvantaged businesses. The President's small business goal could not be less

than 20% of the value of all prime contracts, while the small and disadvantaged goal could not be less than 5%. Additionally, each Federal agency was charged with establishing jointly with the SBA specific goals consistent with each agency's mission. The goals were required to realistically reflect the potential of small business concerns to perform the agency's contracts. In the event that an agency and SBA were unable to agree on such goals, the Administrator, Office of Federal Procurement Policy (OFPP), was required to make a final determination of the goal to be established.

- (c) On November 2, 1990, the SBA Administrator referred to the OFPP Administrator disagreements on goaling with three Federal agencies: the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and DOE.
- (d) On March 5, 1991, the OFPP Administrator issued a final determination resolving each of the disagreements. His determination provided specific goals for each of the agencies. DOD and NASA's goals were determined based on their historical small business contracting achievement. With respect to DOE, the OFPP Administrator established the agency's small business goal at 20.1%, a significantly higher level than that originally proposed by SBA (3.7%), and far in excess of DOE's historical achievement. However, the OFPP Administrator further provided that the prime contract goals for DOE should also include the subcontracts awarded by its management and operating (M&O) contractors, in addition to its direct Federal contract obligations.
- (e) On October 7, 1999, the SBA Administrator wrote to the OFPP Administrator expressing the opinion that the M&O's subcontract awards should not be counted towards DOE's prime contract goal achievements, so that all agencies would be measured on the same basis.
- (f) On November 3, 1999, the OFPP Administrator issued a determination stating that effective in FY 2000 and thereafter, OFPP's previous direction of March 9, 1990, was rescinded.
- (g) DOE and SBA complied with the OFPP Administrator's November 1999 determination and revised both the prime contract goaling as well as the prime contract achievement methodologies of the Department. As a result, DOE's achievement changed from the 18%-20% range achieved in prior years under the 1990 OFPP policy direction, to 2.85% in FY 2000.
- (h) As a consequence of the policy change, its impact on goaling and achievements and the potential for misperception as to what these changes meant in terms of DOE's support to small business, DOE re-emphasized the importance of direct DOE prime contracting with small business and adopted a number of high-profile initiatives to increase those awards.

- (i) From FY 2000 to FY 2004, DOE increased prime contract dollar obligations to small business by \$400 million or by approximately 82%. In terms of contracts awarded, the number of contract awards (including contract awards against GSA multiple award schedules) to small business increased from 42% of the total number of prime contracts in FY 2000 to 61% in FY 2004. With respect to achieving the small business goals established with SBA, DOE obligations on small business contracts as a percentage of total prime contract obligations increased from 2.8% in FY 2000 to just over 4% in FY 2004.
- (j) The Consolidated Appropriations Act of 2005, Pub. L. No. 108-447, incorporated, among other things, the Energy and Water Development Appropriations Act, 2005, which contained two provisions affecting DOE's initiatives to increase small business participation at the prime contract level. In Section 312, the Act provides that funds otherwise available to DOE to achieve small business contracting goals could not be used for procurement actions resulting from the break-out of requirements from current M&O contracts unless the Secretary of Energy formally requests, considers, and renders an appropriate decision on the views of the SBA Breakout Procurement Center Representative (or designee) concerning the cost effectiveness, mission performance, security, safety, small business participations, and other legitimate acquisition objectives of the procurement. Section 313 of the Act prohibits the use of funds appropriated by the Act to be used by DOE to require a M&O contractor to perform contract management oversight or other contract administration functions that are inherently governmental as defined and prohibited by the Federal Acquisition Regulation.
- (k) On May 11, 2005, Congress enacted the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Pub.L. No.109-13, section 6022 of which directs this MOU.

IV. Methodologies for Measuring Achievement

- (a) The methodologies described herein for measuring the achievement of DOE with respect to the award of contracts and subcontracts to small business are consistent with:
 - (i) Section 644(g) of the Small Business Act, which requires that each agency of the Executive branch establish jointly with the SBA an annual goal for that agency that realistically reflects the potential of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women to participate in the performance of contracts and subcontracts under such contracts let by each agency;

- (ii) Section 637(d) of the Small Business Act, which requires that each agency shall ensure that the goals offered by an apparently successful contractor are attainable in relation to the subcontracting opportunities available to the contract, commensurate with the efficient and economical performance of the contract, the pool of eligible Subcontractors available, and the actual performance of such contractors in fulfilling the subcontracting goals specified in prior subcontracting plans;
 - (iii) The most recent determination of the OFPP Administrator as contained in his letter dated November 3, 1999, and issued pursuant to the authorization provided by section 644(g) of the Small Business Act to determine goals where an agency and SBA are unable to agree; and
 - (iv) OFPP Policy Letter 99-1 and SBA's "Goaling Guidelines for the Small Business Preference Programs," dated July 3, 2003.
- (b) The method of counting the achievement of DOE in the award of prime contracts to small businesses shall be as follows:
- (i) The total dollar amount obligated during a given fiscal year against all eligible prime contracts awarded by the Department or any Federal component organization thereof, regardless of the year in which the contract was awarded, shall be determined. Eligible contracts include contract awards for supplies and services (including construction) to business concerns, non-profit organizations, educational institutions and state and local governments, except that the following are not eligible:
 - Non-appropriated Funds. Procurements with funds generated from sources such as user fees, gifts, etc. rather than appropriated funds. Examples include the U.S. Postal Service and Comptroller of the Currency.
 - Internal Transactions. Some transactions are internal to an agency and are not actually contracts such as when a military base orders supplies from the Defense Department's Supply Depot. The acquisitions of the supply depot are also not included in the goaling program because they are funded with proceeds from resales within the Department.
 - Mandatory Sources. By law, agencies must award certain contracts to "mandatory sources." Examples include commodities produced by the Federal Prison Industries (known as UNICOR) or the JWOD Participating Nonprofit Agency (formerly Sheltered Workshop).
 - Contracts for Foreign Governments or International Organizations. Example includes Foreign Military Sales that

are Government to Government transactions often funded by foreign country funds.

- Contracts Not Under FAR. As a matter of policy, goals only extend to procurements subject to the Federal Acquisition Regulation (FAR).
- Subcontracts awarded by any prime contractor.
- Other transactions as may be specified in the current or future SBA "Goaling" guideline.

(ii) The total dollar amount obligated during a given fiscal year against all eligible prime contractors awarded by the Department or any Federal component organization thereof, to small businesses concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, qualified HUB-Zone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, small business concerns owned and controlled by women, regardless of the year in which the contract was awarded, shall be determined.

(iii) The Department's small business achievements shall be expressed as the percentage that IV(b)(ii) represents of IV(b)(i).

(c) The method of counting the achievement of the DOE in the awards by DOE prime contractors including management and operating, management and integration, and other facility management contractors of subcontracts to small businesses shall be as follows:

(i) The amount of dollars obligated by a prime contractor or other-than-small subcontractor (at any tier) with a subcontracting plan under the flow-down requirement against all eligible subcontracts during a given fiscal year, regardless of the year in which the subcontract was awarded. Eligible subcontracts are those agreements entered by a Government prime contractor or subcontractor calling for supplies or services required for the performance of the contract or subcontract, except that the following are not eligible:

- a) Purchases from a corporation, company, or subdivision that is an affiliate of the prime contractor or other-than-small subcontractor filing the report;
- b) Subcontracts that do not involve performance in the U.S. or its outlying areas;

(ii) The amount of dollars obligated by a prime contractor or other-than-small subcontractor (at any tier) with a subcontracting plan under the flow-down requirement against all eligible subcontracts with small business concerns, small disadvantaged business concerns, veteran-

owned small businesses, service-disabled veteran owned small businesses, women-owned small business, and HUBZone small businesses concern.

(iii) The Department's contractors' achievements shall be expressed as the percentage that IV(c)(ii) represents of IV(c)(i).

(d) In addition to the foregoing, and in order to demonstrate the total impact of DOE's small business achievement, the method of counting the achievement of DOE in the award of total contract obligations to small business may also be as follows: the percentage that the sum of IV(b)(ii) and IV(c)(ii) represents of IV(b)(i).

V. Cooperation

- (a) DOE and SBA agree to meet periodically to consider, explore, and resolve issues regarding this MOU and its methodologies, including consideration and adoption of necessary updates and other modifications to the MOU, and any necessary regulatory or contractual directions, instructions, or clarifications necessary to effect these methodologies. DOE and SBA further agree to explore potential changes to both the Federal Acquisition Regulation, SBA regulations, SBA guidelines, and reporting forms to improve the clarity and consistency of directional and instructional material, and to consider alternatives not otherwise precluded by law.
- (b) DOE and SBA agree to continue their cooperative efforts to advance the objectives of the Small Business Act and to identify and facilitate the achievement of additional small business opportunities in the performance of DOE contracts. These cooperative measures shall include, but shall not be limited to: coordination of subcontract plans through SBA's Procurement Center Representative (or designee); coordination of any procurement not otherwise set-aside for small business with SBA's Procurement Center Representative (or designee); participation of an SBA representative on DOE's small business acquisition review board; coordination with SBA's Breakout Procurement Center Representative (or designee) concerning the cost effectiveness, mission performance, security, safety, small business participants, and other legitimate acquisition objectives of the Department of any proposal break-out of requirements from an existing M&O contract.
- (c) DOE and SBA agree to cooperate in establishing realistic, challenging, but achievable goals for DOE prime and subcontracts consistent with the realistic potential for small business participation in DOE contracting in light of the Department's statutorily authorized business model.

VI. Term

This MOU shall remain in effect for two years from the date of the last signature unless terminated by either agency. Either agency may terminate the MOU with 60 days written notice to the other agency. This MOU may only be modified by written mutual consent.

VII. Responsible Officials

The responsible officials and points of contact for administrative matters pertaining to this MOU are:

U.S. Department of Energy

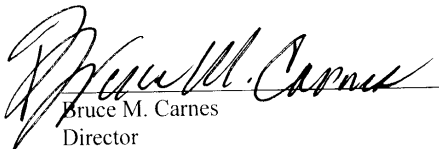
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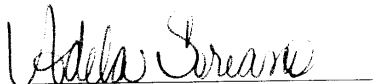
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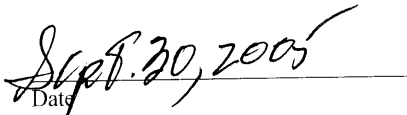
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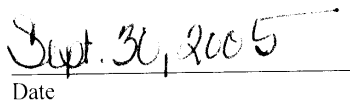
VIII. Signatures

The signatories of this MOU represent they have the authority to make such commitments on behalf of their respective agencies.


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Date


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